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HOUSE JOINT MEMORIAL 09

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Mimi Stewart

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

A JOINT MEMORIAL

**REQUESTING THE FEDERAL GOVERNMENT TO FUND THE MANDATES REQUIRED
IN THE NO CHILD LEFT BEHIND ACT OF 2001.**

**WHEREAS, the federal No Child Left Behind Act of 2001 was
signed into law on January 8, 2002 and introduced significant
new federal requirements with respect to education carried on
in the states; and**

**WHEREAS, under the federal law, each state is required to
establish a single statewide accountability system through the
creation of a statewide database that will enable a state to
track the adequate yearly progress of every student in any
school and school district in which that student is educated
throughout the student's career in public education; and**

**WHEREAS, each state is required to expand the frequency
and scope of student testing to include testing of all students**

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1 in reading and language arts and mathematics each year in
2 grades three through eight beginning in the 2005-2006 school
3 year; adopt standards for the teaching of science by the 2007-
4 2008 school year; and develop annual achievement objectives for
5 students with limited English proficiency; and

6 WHEREAS, each state, by the end of the 2005-2006 school
7 year, is required to ensure that all teachers in core academic
8 subjects are "highly qualified" and that paraprofessionals,
9 including educational assistants, have attained additional
10 education and training and that both meet the qualification
11 requirements set forth in federal law; and

12 WHEREAS, each state and each school district within a
13 state is required to identify schools that fail to meet the
14 adequate yearly progress measures annually over a twelve-year
15 period and provide substantial assistance and costly sanctions
16 as corrective action; and

17 WHEREAS, the items above are only a partial listing of the
18 requirements under the No Child Left Behind Act of 2001
19 constituting a federal mandate for states regarding the conduct
20 of education in the states and, even though the level of
21 federal funding of education in the states is increased under
22 the act, the costs of implementing the requirements of the act
23 far exceed the increase in federal funding; and

24 WHEREAS, although the goals of the federal law are
25 laudable and New Mexicans embrace the conviction that all

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1 children should have an equal opportunity to obtain a high-
2 quality education, without the provision of sufficient federal
3 resources to carry out federal mandates included in the No
4 Child Left Behind Act of 2001, the federal law places an
5 unnecessary and unreasonable hardship on the state of New
6 Mexico;

7 NOW, THEREFORE, BE IT RESOLVED THAT THE LEGISLATURE OF THE
8 STATE OF NEW MEXICO urge the president and congress of the
9 United States to increase the level of funding for states to
10 assist in the full implementation of the federal requirements
11 under the No Child Left Behind Act of 2001; and

12 BE IT FURTHER RESOLVED that the New Mexico congressional
13 delegation be requested to work to secure adequate funding for
14 mandates required under federal law; and

15 BE IT FURTHER RESOLVED that copies of this memorial be
16 transmitted to the president of the United States, the
17 secretary of the United States department of education, each
18 member of congress elected from this state; and the New Mexico
19 secretary of public education for appropriate distribution.